

Memorandum

TO: Mr. Pete Gutwald, Director, Department of Planning and Zoning

FROM: Jennifer M. Smith, Geosyntec Consultants, Inc.

DATE: January 2, 2008

SUBJECT: Zoning Code Update Meeting 10 – Meeting Summary
December 10, 2007, Second Floor Conference Room
Harford County Office Building

Attendees

Workgroup Members Present:

Ms. Susie Comer
Col. Charles Day
Ms. Carol Deibel
Mr. Bill Vanden Eynden
Mr. Samuel Fielder, Jr.
Mr. Rowan G. Glidden
Mr. Frank Hertsch
Mr. Jeffrey K. Hettleman
Mr. Tim Hopkins
Mr. Douglas Howard
Mr. Gil Jones
Mr. Gregory J. Kappler
Mr. Michael Leaf
Ms. Gloria Moon
Mr. Torrence Pierce
Mr. Frank Richardson
Mr. Lawrason Sayre
Mr. Chris Swain
Mr. Jim Turner
Mr. Craig Ward
Ms. Marisa Willis

Workgroup Members Absent:

Mr. William E. Goforth
Ms. Susan B. Heselton
Mr. Jay Young

County Representatives Present:

Mr. Pete Gutwald, Director, Department of Planning and Zoning

Mr. Tony McClune, Deputy Director, Department of Planning and Zoning

Ms. Janet Gleisner, Chief, Division of Land Use and Transportation

Ms. Theresa Raymond, Administrative Assistant, Director's Office

Facilitators:

Ms. Jennifer M Smith, Geosyntec

Ms. Christy Ciarametaro, Geosyntec

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Meeting Summary

The tenth meeting of the Harford County Zoning Code Update Workgroup was held at 2:00 pm in the second floor conference room at the offices of the Department of Planning and Zoning. A meeting agenda was distributed to each workgroup member. A sign-in sheet was distributed to the group. The Meeting 9 Summary was distributed for review and was approved with one change. Under Topic 1, the reference to school bus parking currently being a special exception will be removed because it is allowed regularly in the Ag Commercial District.

The workgroup meeting began with a continuation of discussion from the last meeting on the Business District sections of the proposed Zoning Code.

Workgroup Discussion – Business Districts:

1. Topic: Shopping Center Size Requirements for ICSC/Board of Appeals

Discussion:

- Workgroup members expressed concern regarding the size limit currently proposed in the revised Zoning Code that will require approval from the Board of Appeals. A 20,000 sq. ft. shopping center with 5 uses should not require board of appeals approval. A workgroup member suggested that raising the size limit to 50,000 sq. ft. or 75,000 sq.ft. would be more appropriate, especially when a grocery store is included in the center. In addition, a member of the workgroup questioned the reasoning for Board of Appeals approval.
- DPZ clarified that the size requirement is a carryover from the old code and that, historically, the Board approves the location of a shopping center based on regional impact. A member of the workgroup stated that the location issue doesn't have the same relevance now that it use to.
- There was also discussion on impact on other municipal services as well as traffic flow and building design, including minimizing access points.

Result:

- The workgroup agreed to change §267-59(C)(3) to permit shopping centers without Board of Appeals Approval, in the business district provided it contains less than 75,000 sq. ft. Shopping centers over 75,000 square feet shall be developed as an ICSC in accordance with §267-77.

Presentation by DPZ – Industrial Districts

Mr. Pete Gutwald, Harford County's Director of Planning and Zoning, reviewed the changes in the Industrial District sections of the proposed Zoning Code. The changes are in §267-50 and §267-60. Additionally existing §267-40.1 has been moved to a new section of the code - §267-86 (landfills).

Workgroup Discussion – Industrial Districts:

A workgroup discussion followed Mr. Gutwald's presentation.

1. Topic: Industrial District - General Discussion

Discussion:

- Specific Regulations - A member of the workgroup stated the 2 acre reference to agricultural use in the industrial district, in §267-60C(1), should be deleted for consistency.
- Extraction Activities - A workgroup member suggested that the buffer for extraction, washing, crushing, processing, and blasting activities in the Industrial district should be the same (800 feet) between all zoning districts in §267-60C(3)(c).
- Modification to height requirement – A workgroup member questioned why there is an allowance for building heights to be exceeded in §267-60C(5). Workgroup members stated that there would be a cap for how high a building could be based on fire code, etc. and that it is important to have building height flexibility for certain equipment/material handling industrial operations. The flexibility reduces impact by moving the structure away from the property line as the height increases.
- Parking – A workgroup member suggested that parking areas, as described in §267-60C(4)(b), should be required to be a “hard surface” rather than restricted to asphalt or concrete. This would allow for the flexibility to use permeable hard surface materials.
- Use Limitations in GI - A member of the workgroup questioned whether “effective date of this Act” in §267-60C(8)(b) was correct.
- Retail in GI - A workgroup member suggested that retail should be allowed, at a minimum, as accessory uses in the GI district.
- A workgroup member suggested putting a noise restriction of 65 decibels back into the Industrial District sections. Other workgroup members stated that noise restrictions do not belong in a zoning ordinance. Additionally, Harford County does not currently maintain the equipment or expertise that would be necessary to enforce such a requirement.

Result:

- The 2 acre requirement in §267-60C(1) will be removed.
- The workgroup agreed to delete §267-60C(3)(c)[2] regarding extraction activities. The reference to §267-60C(3)(c)[1] will be deleted and its contents will be incorporated into §267-60C(3)(c).
- DPZ will differentiate between road and parking lot surface requirements in §267-60C(4)(b).
- DPZ will review, with the Law Department, the wording in §267-60C(8)(b) Use Limitations in the GI.
- The workgroup agreed to allow retail as an accessory use, allowable as a percentage of the site use, in the GI District.
- The majority of the workgroup agreed, with dissenting views to leave the noise restriction out of the industrial district regulations.

2. Topic: Permitted Uses in Light Industrial (LI) District

Discussion:

- There was general discussion about the purpose of the LI Zoning Classification. One workgroup member described the LI District as a transitional area between light industrial and commercial uses and residential uses. One workgroup member described the LI District as intended for uses between those permitted in the CI and GI Districts. Light commercial or industrial (such as employment offices) are intended for the LI district; however, it is not intended for heavy commercial or industrial uses such as a business park.
- One workgroup member was concerned that many uses which are allowed in both the GI and CI Districts are not allowed in the LI district. Uses which are randomly excluded from the LI can devalue the property. The workgroup discussed how LI is intended to be located next to residential areas and therefore many of the uses in GI and CI should not occur next to residential land.
- Workgroup members were concerned that office use is not addressed well in the proposed Zoning Code, with the exception of the MO district.
- A workgroup member suggested changing the name of the LI District.
- There was a general discussion regarding location of restaurants and other business services in the LI District. Restaurants and other retail trade/services are proposed under a new special development standard in the LI District. They are currently restricted by the size of the business park and can not be stand alone restaurants. Several uses which are not currently permitted in LI were recommended for inclusion.

Result:

- The majority of the workgroup agreed (with dissenting views) to permit the following uses in the LI District by right: civic service clubs and fraternal organizations, community centers or assembly halls, fire stations with fire station assembly halls, places of worship, libraries, schools, colleges and universities, professional services, mixed use centers, specialty shops, taxi stands, business

services, including commercial schools, financial, insurance and real estate services, health services and medical clinics, limousine services, and restaurants.

Presentation by DPZ – Natural Resource District

Mr. Gutwald reviewed the changes to the Natural Resource District Section (§267-62) of the proposed Zoning Code. The proposed Natural Resource District section was originally part of a section of the code entitled “Special Overlay Districts.”

Workgroup Discussion – Natural Resource District:

A workgroup discussion followed Mr. Gutwald’s presentation.

1. Topic: Wetland Buffer

Discussion:

- The workgroup discussed the appropriate buffer distance around wetlands. One workgroup member suggested reducing the wetland buffer in urban areas within the development envelope from 75 ft. to 25 ft. A 25 foot buffer would be consistent with the current Maryland State buffer requirements for wetlands. The purpose of reducing these buffers within the development envelope would be to reduce the limitations on development in the urban area where directing growth is a priority.
- One workgroup member stated that current stormwater management regulations require urban runoff to go to a treatment facility. Therefore, there is little functional purpose for a 75 foot wetland buffer.
- A workgroup member questioned how the original wetland buffer of 75 feet was established. Ms. Pat Pudelkewicz, Chief of the Environmental Planning Section at DPZ, stated that she was unaware of the reasoning behind the original requirement of the 75 foot buffer required by Harford County. However, Ms. Pudelkewicz stated that the 75 foot wetland buffer requirement for wetlands and tributaries to streams within the Chesapeake Bay Critical Area is based on scientific research.
- Another workgroup member suggested that a 25 foot buffer would be inconsistent with regulations of towns within the county.
- Another member suggested a compromise of 50 feet.
- One workgroup member expressed concern that the federal government agencies regulating environmental protection including wetland protection are heading in the direction of more restrictive requirements. By not meeting the more restrictive federal government environmental protection requirement, funding for County programs may become more difficult. In addition, the State of Maryland may also increase its wetland buffer requirements in the near future. Another workgroup member stated that since the Chesapeake Bay is not meeting its water quality goals, now is not the time for a County which directly borders the Chesapeake Bay to lessen its wetland buffer restrictions.

- Ms. Pudelkewicz confirmed that buffers are an established best management practice for filtering pollutants from stormwater runoff. Since Stormwater management facilities are sized for specific storms, having a buffer offers protection for storms which exceed the design capacity of the stormwater management facility.
- A workgroup member discussed additional benefits of wetland buffers including the important benefit of groundwater recharge. At a time when drinking water supplies are limited and drought conditions are prevalent, reducing the ability of these buffers to enhance ground water recharge is not recommended.
- Another workgroup member suggested that streams and wetlands located within the development envelope should be afforded equal protection as streams outside of the development envelope. In fact, these streams and wetlands within the development envelope are generally directly connected to tidal waters and the Chesapeake Bay Critical Areas and therefore play a vital role in the protection of these natural resources.

Result:

- The workgroup agreed (with dissenting views) to reduce the wetland buffer in urban areas inside the development envelope from 75 feet to 25 feet.

2. Topic: Natural Resource District - General Discussion

Discussion:

- A workgroup member suggested adding “and quantity” to §267-62A(3) in order to acknowledge the importance of recharge.
- A workgroup member stated the 150 foot buffer could be less than 400 acres. DPZ clarified that Natural Resources District buffer restrictions in §267-62B(3) begin to apply at the point where the drainage area is 400 acres or greater.
- A workgroup member stated that the language “Nontidal wetlands shall not be disturbed” in §267-62B(2) is inconsistent with the language in §267-62C(3). Also the section should be consistent in the use of “shall not be disturbed”, “no impact”, and “no disturbance”.
- A workgroup member suggested to add forested buffers in addition to grass filter strips as a requirement for agriculture in the NRD §267-62C(1).
- A workgroup member requested that all references to passive recreation in §267-62C(3)(b) also specifically reference trails.
- A workgroup member suggested that the sensitive environmental areas listed in §267-62D(3), Conservation Requirements, should be listed under §267-62B, Application. A general discussion regarding this suggestion took place. It was noted that hydric soils and highly erodible soils could be removed from D3.
- One workgroup member recommended changing “will not adversely affect” to “will minimize adverse effects” in §267-62E because the natural resource will be adversely affected if a variance is granted. Discussion took place on how the entire resource will be affected; it must be clarified that it’s not just the subject property.

- A workgroup member suggested removing “as of September 1, 1982” from §267-62F so that new parcels which are rezoned must meet the requirements of the section. .
- A workgroup member did not believe we should grandfather properties with plans approved prior to September 1, 1982 as shown in §267-62H
- A workgroup member suggested placing §267-62F, Development Adjustment, §267-62G, portions of NRD in urban residential district lots, and §267-62H developments with approved preliminary plans prior to 9/1/82 under §267-62E, thereby requiring them to obtain variances.

Result

- DPZ will add the designation of quantity management as a benefit to wetland and stream buffers in §267-62A(3).
- DPZ agreed to correct the language inconsistency between §267-62B(2) and §267-62C(3) to say “shall not be disturbed”.
- The workgroup agreed to add “or forested buffer” to §267-62C(1).
- DPZ agreed to add “and trails” to the end of §267-62C(3).
- The workgroup agreed to change the definition of “significant/special natural features” on page 31 to include the term “sensitive environmental areas”. In addition, the workgroup agreed to eliminate “hydric soils, highly erodible soils” from §267-62D(3) because it is redundant.
- The majority of the workgroup agreed (with one dissenting view) to change the language in §267-62E to state “will minimize the adverse effects of the remaining Natural Resource District.” Also, DPZ will clarify the language to refer to the ‘resource’ being affected.
- The workgroup agreed to eliminate “as of September 1, 1982” from §267-62F, Development adjustment.
- DPZ and the Department of Law will review the language in §267-62H regarding properties with plans approved prior to September 1, 1982.
- The workgroup agreed (with dissenting views) to leave §267-62F, §267-62G, and §267-62H at their respective current locations in the proposed zoning code.

3. Topic: Natural Resource District Designation

Discussion:

- A workgroup member suggested that parcels should not be allowed to be voluntarily included in the Natural Resources District by a developer for the purposes of increasing the Natural Resources District area of a parcel in order to get the development adjustment referred to in Section 267-62F. Natural Resources District boundaries should be field verified by a third party professional. DPZ clarified that NRD boundaries are field verified at this time.
- A workgroup member suggested that separate parcels should be not allowed to be consolidated in order to get enough Natural Resources District area to meet the 30% requirement needed to get the development adjustment referred to in Section 267-62F.

- DPZ clarified that if 30% of the property is in the Natural Resource District, a developer is still limited to the R1 density. The Development adjustment allows the use of different design standards when a property has more than 30% of the land area zoned residential within the Natural Resources District.
- A workgroup member suggested that all developments which meet the minimum requirements and receive the development adjustment should be required, as a condition of the development adjustment referred to in Section 267-62F to cluster the remaining developed area.
- A workgroup member suggested requiring that once the development adjustment is received, and the development is built-out, that no other variances are allowed on the development site. DPZ stated there are legal concerns about denying someone the right to a variance and clarified that all standards in Part 1 of the Zoning Code are subject to appeal.

Result:

- The majority of the workgroup agreed to keep the proposed Zoning Code Section 267-62F as is and not make these changes to the Natural Resource District requirements.

At Meeting 11, the workgroup will discuss the Chesapeake Bay Critical Area Sections of the proposed Zoning Code. In addition, Meeting 11 is dedicated to discussion of the Redevelopment and Revitalization sections of the proposed Zoning Code.

Administrative Issues:

The meeting was adjourned at 4:00 pm.

The Harford County Zoning Code website can be accessed at:
<http://www.harfordcountymd.gov/ZCUpdate/index.cfm>.

Meeting Handouts

1. Meeting Agenda
2. Draft Meeting 9 Summary
3. Summary of Changes to the Natural Resources and Chesapeake Bay Critical Area sections of the draft Zoning Code.

Next Scheduled Meetings

Date:	January 14, 2008
Time:	2:00 pm - 4:00 pm
Topic:	Meeting 11 – Chesapeake Bay Critical Areas; Redevelopment and Revitalization
Location:	Harford County Administrative Office Building 220 South Main Street

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2nd Floor Conference Room

Bel Air, MD 21014

Date: January 28, 2008

Time: 2:00 pm - 4:00 pm

Topic: Meeting 12 – Water Source Protection

Location: Harford County Administrative Office Building

220 South Main Street

2nd Floor Conference Room

Bel Air, MD 21014